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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
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10 KEVIN EUGENE SYPHO,

11 Plaintiff,

12 v.

13 CORRECTIONAL OFFICER PENLEY,

14 Defendant.  
15 \_\_\_\_\_

) Case No. EDCV 08-0861-DDP (JEM)

) ORDER ADOPTING FINDINGS,  
) CONCLUSIONS, AND  
) RECOMMENDATIONS OF UNITED STATES  
) MAGISTRATE JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Report and Recommendation  
18 of the United States Magistrate Judge. The time for filing Objections to the Report and  
19 Recommendation has expired, and no Objections have been filed. The Court concurs with and  
20 adopts the findings, conclusions, and recommendations of the Magistrate Judge.

21 IT IS HEREBY ORDERED that this action be dismissed without prejudice.

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23 DATED: May 11, 2010

  
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24 DEAN D. PREGERSON  
25 UNITED STATES DISTRICT JUDGE  
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